

AMENDED IN SENATE JUNE 29, 2015

AMENDED IN SENATE JUNE 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 546

Introduced by Assembly Member Gonzalez

February 23, 2015

An act to amend Section 832 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 546, as amended, Gonzalez. Peace officers: basic training requirements.

Existing law requires every peace officer to complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training, except for specifically exempted categories of peace officers, and imposes other training requirements on those persons who would exercise the powers of peace officers. Existing law provides that a probation department that is a certified provider of that training course shall not be required to offer the course to the general public.

This bill would ~~prohibit~~ *require* the commission, when evaluating a certification request from a probation department for that training course, ~~from considering the need and justification for the course, or requiring that there to deem there to be an identifiable and unmet need for the training course as a condition of certifying the training course.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 832 of the Penal Code is amended to read:

832. (a) Every person described in this chapter as a peace officer shall satisfactorily complete an introductory training course prescribed by the Commission on Peace Officer Standards and Training. On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of a peace officer whose employing agency prohibits the use of firearms.

(b) (1) Every peace officer described in this chapter, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the training course described in subdivision (a).

(2) Every peace officer described in Section 13510 or in subdivision (a) of Section 830.2 may satisfactorily complete the training required by this section as part of the training prescribed pursuant to Section 13510.

(c) Persons described in this chapter as peace officers who have not satisfactorily completed the course described in subdivision (a), as specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete the course.

(d) A peace officer who, on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training is exempted from this section.

(e) (1) A person completing the training described in subdivision (a) who does not become employed as a peace officer within three years from the date of passing the examination described in subdivision (a), or who has a three-year or longer break in service as a peace officer, shall pass the examination described in subdivision (a) prior to the exercise of the powers of a peace officer, except for a person described in paragraph (2).

(2) The requirement in paragraph (1) does not apply to a person who meets any of the following requirements:

(A) Is returning to a management position that is at the second level of supervision or higher.

1 (B) Has successfully requalified for a basic course through the
2 Commission on Peace Officer Standards and Training.

3 (C) Has maintained proficiency through teaching the course
4 described in subdivision (a).

5 (D) During the break in California service, was continuously
6 employed as a peace officer in another state or at the federal level.

7 (E) Has previously met the requirements of subdivision (a), has
8 been appointed as a peace officer under subdivision (c) of Section
9 830.1, and has been continuously employed as a custodial officer
10 as defined in Section 831 or 831.5 by the agency making the peace
11 officer appointment since completing the training prescribed in
12 subdivision (a).

13 (f) The commission may charge appropriate fees for the
14 examination required by subdivision (e), not to exceed actual costs.

15 (g) Notwithstanding any other law, the commission may charge
16 appropriate fees for the examination required by subdivision (a)
17 to each applicant who is not sponsored by a local or other law
18 enforcement agency, or is not a peace officer employed by, or
19 under consideration for employment by, a state or local agency,
20 department, or district, or is not a custodial officer as defined in
21 Sections 831 and 831.5. The fees shall not exceed actual costs.

22 (h) (1) When evaluating a certification request from a probation
23 department for a training course described in this section, the
24 commission shall ~~not do either of the following:~~ *deem there to be*
25 *an identifiable and unmet need for the training course.*

26 ~~(A) Consider the need and justification for the training course.~~

27 ~~(B) Require that there be an identifiable and unmet need for the~~
28 ~~training course as a condition of certifying the training course.~~

29 (2) A probation department that is a certified provider of the
30 training course described in this section shall not be required to
31 offer the course to the general public.